Ontario Legislative Library
Research and Information Services
325-3675, Fax (416) 325-3696
e-mail: libraryinquiry@ontla.ola.org

Backgrounder #43
Date February 2001
ISSN 1206-1514
ISBN 0-7794-0622-2

FOREIGN TRAINED PROFESSIONALS AND SKILLED WORKERS: ACCESS TO EMPLOYMENT OPPORTUNITIES

David Rampersad
Research Officer
and
Salvatore Crisanti
Research Assistant

The Research and Information Services Branch provides confidential non-partisan research analysis to Members of all parties of the Legislative Assembly and legislative committees. We also produce a range of general distribution research reports geared to MPPs' interests and designed to support their legislative functions. These papers may be of interest to a broader audience as well.

Research and Information Services, Room 2520, Whitney Block, 99 Wellesley Street West, Toronto, ON M7A 1A9

CONTENTS

INTRODUCTION 1
MOBILITY IN THE CANADIAN MARKET 1
The Social Union 1
Red Seal Programme 2
ASSESSMENT OF CREDENTIALS: OVERVIEW 2
Federal/Provincial Roles 3
Canadian Information Centre for International Credentials 3
A National Strategy 4
PROVINCIAL SURVEY 4
Statutes and Regulations 4
Initiatives 5
THE PROFESSIONS 8
Medicine 8
Engineering 9
EUROPEAN UNION (EU) 9
NOTES 11

INTRODUCTION

Many immigrants who come to Canada experience some degree of difficulty in obtaining recognition for their professional and technical credentials. There are anecdotal stories of medical doctors having to work as taxi drivers and pizza delivery boys and of many other professional and skilled workers working in menial positions. It has been suggested that "systemic" barriers prevent qualified individuals from practising their professions and trades and facilitate a state of chronic underemployment.[1] Among these are the following:[2]

- the lack of information for new immigrants regarding ways of accessing professions and trades, including licensing standards and requirements;
- difficulty in obtaining recognition of academic credentials issued by foreign educational institutions from Canadian academic institutions, occupational regulatory bodies and employers;
- difficulty in obtaining recognition of overseas employment experience from occupational regulatory bodies and employers;
- the lack of institutionalised, arms-length processes of appeals for those unable to gain entry to regulated occupations; and
- lack of access to adequate, occupation-specific educational/training upgrading, language training and testing.

In the current climate where there is a recognition that encouraging trained and skilled immigrants will be of benefit to Canada and where there is a concern about the so-called "brain-drain" from Canada, the ability of individuals who were trained overseas to practise their professions and skills in this country has received much attention.

This paper is designed to draw attention to some of the resources that are available so that the issue might be understood better. It should be emphasized that these are only a sample of the material that is available.

The following issues are highlighted:

- mobility in the Canadian labour market;
- the facility for the assessment of credentials in a number of provinces;
- the practices in professions such as Medicine and Engineering in Ontario; and
- the practice in the European Union which provides a brief comparison with Canada.

MOBILITY IN THE CANADIAN MARKET

The Social Union

The federal and provincial governments agreed to the Framework on the Social Union in February 1999. It committed governments to ensure full compliance with the mobility

provisions of the Agreement on Internal Trade, including the requirements for mutual recognition of occupational qualifications and for eliminating residency requirements for access to employment.[3] The Agreement on Internal Trade provided, inter alia, for governments and their agencies to resolve the following barriers that limit the ability of Canadians to work anywhere in Canada:[4]

- residency requirements;
- practices for licensing, certification or registration of workers; and
- recognition of occupational qualifications.

Professional associations, unions and education and training establishments were asked to comply with these provisions.

Red Seal Programme

The Red Seal Programme was designed to facilitate greater mobility across Canada for skilled workers. Under this program, apprentices who have finished their training as well as certified journeymen are able to obtain a "Red Seal" endorsement on their Certificates of Qualification and Apprenticeship after they have completed successfully an Inter-provincial Standards Examination.

The Programme encourages standardisation of provincial and territorial apprenticeship training and certification programs. The "Red Seal" allows qualified tradesmen to practice their trade in any province or territory in Canada where the trade is designated without having to write further examinations. To date, forty-four trades have been included in the Red Seal Program.[5]

ASSESSMENT OF CREDENTIALS: OVERVIEW

The assessment of educational and occupational credentials is essential for individuals who are seeking recognition of their foreign qualifications to enter the labour market or pursue post-secondary education in Canada. The increasing mobility of the labour force and the necessity to make educational qualifications portable across provincial and international borders are contributing to a growing concern about the mechanics of assessment for the purpose of certification and accreditation.

The debate entails the following issues:

- the evaluation of foreign credentials and experience; and
- the requirements introduced by regulatory bodies regarding entry into professions and trades for individuals with overseas training.

In Canada, no central national agency assesses credentials. Provincial governments are responsible for establishing the legislative framework for the regulation of certain professions and trades. In many cases, provincial associations have been given the power to determine licensing and certification requirements, to grant recognition of credentials

and, in general, to set standards and qualifications. The powers and duties of the organisations are set out in statute or their regulations. For some professions, a national association has been mandated to assess credentials but the provincial bodies retain the right to determine licensing and certification requirements.[6]

Federal/Provincial Roles

The provinces have constitutional jurisdiction over education and share power over immigration with the federal government. Aside from the establishment of the Canadian Labour Force Development Board as a major policy step, some minor initiatives have been developed through federal-provincial co-operation and partnerships with community organisations and professional bodies.

In 1992, a federal inter-departmental group headed by Human Resources and Development Canada was established to monitor developments on the assessment of foreign degrees in Canada and to share information on the selection and integration process of immigrants. As a result of federal government restructuring and other factors, the group discontinued its activities during 1995.

Federal departments such as Citizenship and Immigration and Canadian Heritage have funded research and community development projects with immigrant professional organisations to identify community needs and bring together different stakeholders to discuss issues and propose avenues of co-operation. In 1994, Citizenship and Immigration Canada established a number of groups, including the Federal-Provincial-Territorial Working Group on Access to Professions and Trades, to exchange information on immigration. In 1999, this group organised a conference with the title, "Shaping the Future: Qualification Recognition in the 21st Century," which brought together interested parties and facilitated the exchanges of ideas.[7]

The federal government has published a series of documents dealing with occupational standards and certification which provides a comprehensive overview of the way in which standards are established and measured.[8]

Canadian Information Centre for International Credentials

The Canadian Information Centre for International Credentials (CICIC) was established in 1991 under the auspices of the Council of Ministers of Education of Canada. It has been instrumental as a referral service and major information resource for the provinces in providing and disseminating information on foreign credentials. It assists persons who want to know how to obtain an assessment of their educational, professional, and occupational credentials by referring them to the appropriate bodies. The Centre does not grant equivalencies or assess credentials nor does it intervene on behalf of individuals or in appeals.

CICIC uses the international database on foreign degrees, TRACE to develop a Canadian "higher education" database. Fact-sheets and electronic newsletters in its website

promote a better understanding of the domestic importance of the issue as well as the international scope of activities and obligations of stakeholders. It oversees the implementation in Canada of the *1979 UNESCO Convention on the Recognition of Studies, Degrees and Diplomas Concerning Higher Education in the States Belonging to the European Region* to which Canada acceded in 1990.

A National Strategy

The Department of Canadian Heritage released a paper in September 1999 which addressed the problem of non-accreditation of foreign professionals. It provided an overview of the immigrant accreditation picture in Canada, societal costs, stakeholder activity and possible elements of a National Strategy. It was pointed out that immigrant professionals find the following in Canada:

- there is no national body responsible for the recognition of foreign degrees, professional accreditation and licensing;
- Canadian professional associations, who are the sole "accredits" within the Canadian system, often lack the necessary information on both education systems abroad and work experience equivalencies;
- educational and occupational standards vary by province and occupational characteristics of the labour market; and
- each Canadian province and territory has different standards for educational qualifications, training and certification of professionals.[9]

In discussions on the development of a National Strategy to address these shortcomings, it was suggested that the following elements must be addressed:

- the creation of more multi-partner projects;
- minimisation of "statistical" discrimination problems;
- the abolition of exclusionary procedures and practices; and
- a policy to confront prejudice directed at applicants.[10]

PROVINCIAL SURVEY

The parties involved in the assessment of individuals with foreign training include the federal and provincial governments, post-secondary institutions, licensing bodies, and employers. This Section addresses the laws and initiatives of several provincial governments.

Statutes and Regulations

There is no provincial legislation that addresses the issue of accreditation of foreign-trained workers. The only exception to this is Quebec's *Professional Code*, which sets out some basic parameters for professional accreditation, and labour. All other legislation,

such as *The Legal Profession Act* of British Columbia for instance, is specific to the profession and applies only to the practices of that profession.

Initiatives

There is widespread recognition that it is urgent to correct the imbalances that militate against foreign-trained workers. The various policy initiatives, which are increasingly better co-ordinated, are aimed at improving the accreditation "routes" for immigrant professionals and are designed to achieve the following:

- review of the accreditation barriers in specific professions and standard requirements for certification/licensing;
- establishment of information/data bases on international credentials and other information networks;
- provision of foreign credentials referral and evaluation services;
- provision of financial support to help accreditation applicants with their retraining costs and other logistical aspects of the accreditation process (exams, fees, books, etc.);
- creation of jobs to provide applicants with the necessary Canadian experience demanded by the practice of their professional tasks; or
- improvement of access to academic equivalency services and to obtaining academic credit for foreign degrees/experience.

The following provincial overview is not exhaustive but illustrates the ways in which the issue is being tackled.

British Columbia

Since 1995, the International Credential Evaluation Service (ICES) has evaluated the credentials of people who have studied in other provinces or countries and has determined comparable levels in British Columbia on Canadian terms.[11] ICES reports are used for educational and employment purposes and can complement evaluations required by regulated professional organisations and post-secondary institutions.[12]

The Industry Training and Apprenticeship Commission is responsible for Vocational apprenticeship and trades certification, including immigrants whose skills were attained outside of Canada.[13]

The Prior Learning Assessment and Recognition Organisation undertakes a process that is used to determine a person's knowledge and abilities. It may help an individual in getting recognition for his skills and knowledge.[14]

Alberta

The recognition of foreign credentials was considered at length by a government Task Force in 1988 which made comprehensive recommendations.[15] One of the results of this report was the establishment of the International Qualifications Assessment Service (IQAS) under the auspices of Alberta Learning to evaluate the educational credentials of individuals trained overseas for employment, professional licensing and further education.[16]

Saskatchewan

In March 1995, Saskatchewan Education, Training and Employment contracted with the International Qualifications Assessment Service (IQAS), Alberta Labour, to assess international qualifications against Saskatchewan's standards. This contract is reviewed annually by Saskatchewan Education, Training and Employment under advice from an advisory group composed of representatives from Saskatchewan's post-secondary institutions, professional associations, employers and immigrants. Individuals pay assessment costs directly to IQAS.[17]

Manitoba

The Department of Culture, Heritage and Citizenship assists newcomers in having their offshore credentials assessed by directing them to the relevant organisation or body.[18] The Immigrant Credentials and Labour Market Branch acts as a central access point for the assessment of credentials and provides academic, upgrade and alternative career directions.[19]

A separate office in the Ministry of Health deals with the medical profession. The International Medical Graduates office has policies for the licensing of international medical graduates in Manitoba. The Manitoba College of Physicians and Surgeons controls the granting of a medical license.[20]

The following services offered by Manitoba's Department of Labour are designed to facilitate the integration of highly skilled and trained immigrants in the economy:

Credentials Recognition Programme:[21] This programme is designed to help professional or technically trained immigrants obtain recognition for education and employment experience gained outside Canada. It has two components:

- *Assessment Assistance* provides financial assistance to a maximum of $750 to eligible immigrants in high-demand occupations to help with fees for assessment, courses and examinations.
- *Wage Assistance* provides a wage subsidy (40% of gross salary to a maximum of $4,500) to private sector businesses and Crown corporations to create full-time permanent employment for immigrants with international professional or technical qualifications.

Credentials Assessment Service:[22] This service facilitates the credentials assessment and recognition process by professional licensing associations, government departments and academic institutions. It ensures that individuals provide complete documentation about their credentials prior to submission for an assessment by the appropriate accreditation agency.

The *Academic Credentials Report*, which is part of the Credentials Assessment Service, provides skilled immigrants with an objective report on credentials obtained from recognised educational institutions overseas. It is designed to help skilled immigrants obtain formal recognition of their qualifications and increase knowledge of foreign credentials by employers and licensing bodies.

Quebec

The foreign credential assessment service has been established in Quebec's since 1971. The *Service des équivalences* determines the place of credentials earned outside the province vis-à-vis the Quebec educational system. It also assesses these diplomas and degrees.

The equivalencies developed by the *Service des équivalences* are recommendations that can be used by employers, educational institutions and certifying bodies to evaluate the qualifications of persons educated abroad on the same basis as persons educated in Quebec for the purposes of hiring, admissions, and occupational credential assessment, respectively.

All immigrants and new citizens in Quebec can apply to have their educational credentials assessed. The assessment service is also available to immigrant clients accepted by the Quebec Immigration Office abroad who have not yet entered the province. There is a fee for the assessment services, and clients must cover the cost of translating educational documents in a foreign language into French.

The *Office des Professions du Quebec* was established as an arms-length agency in 1973 to liase between the professional associations and the government.[23] Its main responsibility is supervisory. In addition, it ensures that each professional association adopts regulations for the governance of the professional activities of its members and that those regulations are designed to protect the public.[24] Other responsibilities include:

- *informing* the public of its rights and available remedies;
- *facilitating* consultation between professional associations in the event of a conflict; and
- *advising* the government about laws regulating the professions and on matters relating to professional associations.

Ontario

In 1989, the Task Force on Access to Professions and Trades in Ontario submitted its report to the provincial government.[25] Its mandate included a review of "all rules and practices affecting entry to professions and trades to determine whether they have an actual or potential discriminatory effect on persons with training or experience from outside of Canada." It concluded, among other things, that "there is cause for concern that the prior learning of foreign-trained applicants is not always being adequately and fairly assessed."[26] The Task Force proposed comprehensive recommendations to address the issue.[27]

In response to this report, the government took a number of initiatives that resulted, among other things, in the establishment of the Office of Access to Trades and Professions in 1992. The principal responsibilities of the Office include providing practical advice to individuals and groups on access and acting as a clearing house for information. It has produced a considerable amount of written material with information about accessing various professions and trades that is available in print as well as on the Internet.[28]

For a long time, community organisations as well as associations of individuals trained overseas have lobbied to secure recognition of foreign credentials. In October 1999, the Ontario Network for Access to Professions and Trades was established by a number of organisations, research groups and individuals to try and facilitate access to professions and trades by tackling issues such as systemic barriers in employment and licensing.[29] In March 2000, the Minister of Training, Colleges and Universities announced the creation of a service to assess the academic credentials of individuals trained overseas in order to facilitate their ability to enter the workforce.[30] In October 2000, World Education Services-Canada began to offer credential assessments.

THE PROFESSIONS

Each profession is governed by legislation that sets out, among other things, the powers and responsibilities of the appropriate licensing body.[31] Professional bodies are charged with protecting the public interest and maintaining the interests of the profession. A sampling of two professions illustrates the barriers that confront foreign-trained professionals attempting to enter the Canadian market.

Medicine[32]

The certificate of registration allows doctors to practise medicine in Ontario and facilitates the maintenance of professional standards by the College of Physicians and Surgeons. An applicant for a certificate must satisfy the academic and professional qualifications and standards that are required for the class of registration for which he is applying.[33]

Individuals trained overseas must meet the same registration requirements that Canadian graduates must meet. However, since all physicians must undergo training in the

province and there are only thirty-six positions available for graduates trained elsewhere that are funded by the provincial government, entry into the profession is, in effect, controlled.

Engineering

The Association of Professional Engineers of Ontario was created by statute in 1922. Its main activities are as follows:[34]

- *licensing* as professional engineers those applicants who satisfy the requirements laid out by law; and
- *disciplining* those licensees whose professional conduct is questioned.

In addition to licensing degree holders from institutions accredited by the Canadian Engineering Accreditation Board (CAEB), the Association considers applications from individuals from other countries. Their academic credentials are assessed on an individual basis against established CAEB criteria. Specific teaching examinations are assigned in subject areas that are found to be deficient. Experience is assessed by a separate body to determine if it offsets academic shortcomings. Frequently, examinations are waived or their number reduced as a result of the review of the applicant's experience.[35] Exemption from examinations are allowed in the following cases:[36]

- *where* the applicant has an undergraduate degree from an institution outside Canada that is similar to an accredited Canadian engineering degree and has completed post-graduate studies in engineering at a Canadian university;
- *where* the applicant has a minimum of ten years of satisfactory engineering experience; and
- *where* the applicant has an accredited engineering degree from a country that has a Mutual Recognition Agreement with the Canadian Council of Professional Engineers.

Decisions made by the PEO when assessing the qualifications of applicants are final, as provided by statute. However, appeals against decisions have been made to the Courts, the Ontario Human Rights Commission and the Ombudsman's Office.[37]

The Coalition for Access to Professional Engineering (CAPE), a community-based group, came into being several years ago. It initiated formal discussions with the Council of the Professional Engineers of Ontario to set up an arms length tribunal for appeals by applicants regarding rejection of their professional credentials by the Council.[38]

European Union (EU)[39]

The General System Directives (GSDs) were first introduced in the 1970's to facilitate professional mobility and access. They are designed to ensure that professional and practical qualifications, as well as practical experience, that have been gained in one EU country are acceptable in others.

Under the First General System of mutual recognition of qualification[40], a professional from one Member State may join the equivalent profession in another Member State, without having to qualify again, if the following conditions are in place:

- *the* profession is regulated[41];
- *access* to the profession is based on completion of a post-secondary course of at least three years' duration at a post-secondary institution and, where appropriate, on completion of additional professional training that is required; and
- "*safeguard* provisions" are met to guarantee professional standards and equivalent level of experience when the education and training required in the host Member State is considerably shorter and different from those in the country of origin.

The Second General System for the recognition of professional education and training[42] facilitates mutual recognition for all education and training to practice a regulated profession other than those covered by the First General System. It ensures that the qualifications of nationals of EU countries are recognised by host Member Countries through a system of compensatory measures.

The principles underlying the GSDs may be described as the "semi-automatic recognition of training" since it is based on the assumption that an individual's training must be recognised when the regulated professional activities he wants to undertake are similar to those he has performed in his own state. If there is substantial difference in the qualifications required by the host state and those of the individual concerned, he is normally required to follow a course of study or to take an aptitude test to make up for differences in education and training.[43] In other words, the basic logic of the GSDs requires national authorities to accept equivalence of qualifications, identify areas of significant knowledge gaps and attempt to compensate for those gaps on a case-by-case basis.[44]

NOTES

[1] *Not Just Numbers: A Canadian Framework for Future Immigration*. Internet site at http://www.cic.gc.ca/english/about/policy/lrag/echap04.html.
[2] Brouwer, Andrew, *Immigrants Need Not Apply* (Caledon Institute of Social Policy). Internet site at http://www.caledoninst.org/maytree/full04.htm.
[3] Government of Canada, "A Framework to Improve the Social Union for Canadians." Internet site at http://socialunion.gc.ca/news/020499_e.html.
[4] Human Resources Development Canada, "Detailed Summary of the Labour Mobility Chapter." Internet site at http://www.hrdc-drhc.gc.ca/stratpol/mobility/summ_e.html.
[5] HRDC. Internet site at http://www.hrdc-drhc.gc.ca/hrib/hrp-prh/english/redseal/index_e.shtml.
[6] Canadian Information Center for International Credentials, *Report on Federal, Provincial,and Territorial Activities Related to the Assessment of Credentials, 1995-96.* Internet site at http://www.cicic.ca/pubs/assessen.htm.
[7] For further information, see the website of the Group. Internet site at www.qualification.org.
[8] Employment and Immigration Canada, *Occupational Standards and Certification: Overview; The Basics; Canadian Practices; International Practices; Recognition of Foreign Qualifications* (Ottawa: Supply and Services Canada, 1993).
[9] Canada, Department of Canadian Heritage, "Multiculturalism." Internet site at http://www.pch.gc.ca/multi/Societal/content_e.shtml.
[10] Ibid.
[11] International Credential Evaluation Service. Internet site at http://www.ola.bc.ca/ices/.
[12] Ibid.
[13] Telephone interview with Ian Hodgetts, Supervisor of the Trades Certification Program, British Columbia, at (604) 662-0341 on 16 August 2000.
[14] Internet site at http://www.plar.com.
[15] Alberta, Task Force on the Recognition of Foreign Qualifications, *Report: Bridging the Gap* (Edmonton: The Task Force, 1988).
[16] Internet site of Alberta learning, International Qualifications Assessment Service. Internet site at http://www.learning.gov.ab.ca/iqas/iqas.asp.
[17] Canadian Information Center for International Credentials, *Report on Federal, Provincial and Territorial Activities Related to the Assessment of Credentials.*
[18] Telephone interview with Jean Lloyd. Credentials Assessment Officer, Citizenship Office, Manitoba Department of Culture, Heritage and Citizenship at (204) 945-5433 on 16 August 2000.
[19] Manitoba, Ministry of Culture, Heritage and Citizenship. Internet site at http://www.gov.mb.ca/chc/archives/CH/ch4.html accessed on 10 December 1999.
[20] Telephone interview with Karen Grant, Workplace Policy Officer, Manitoba Health at (204) 788-6758 on 16 August 2000.
[21] The bulk of material in this section is taken from the 1998-1999 Annual Report of the Ministry of Culture, Heritage and Citizenship. p. 38.
[22] Ibid.
[23] Ministère des Relations avec les citoyens et de l'immigration. Internet site at http://www.mrci.gouv.qc.ca/15_2.asp.

[24] Internet site of *the Office des Professions du Quebec*. Internet site at http://www.opq.gouv.qc.ca/RoleOPQ.htm accessed on 17 December 1999.
[25] Ontario, Task Force on Access to Professions and Trades in Ontario (Peter A. Cumming, Chairman), *Report* (Toronto: The Commission, 1989).
[26] Ibid., p. xii.
[27] Ibid., pp. xxiv-lix.
[28] Internet site at http://www.equalopportunity.on.ca/index.asp.
[29] See Internet website of Skills for Change. Internet site at http://www.skillsforchange.org/breakthroughs/bkvol6.htm.
[30] Ontario, Ministry of Training, Colleges and Universities, "Ontario government service to help qualified immigrants find jobs," *News Release*, 21 March 2000. Internet site at http://www.edu.gov.on.ca/eng/document/nr/00.03/jobsnr.html.
[31] See, for instance, *Public Accountancy Act* and *Ontario College of Teachers Act 1996*.
[32] CPSO Info. Internet site at http://www.cpso.on.ca/faqanswer.asp?FAQNum=26 accessed on 23 November 1999.
[33] *Regulated Health Professions Act* and Ontario Regulation 865/93 set out the qualifications for obtaining a certificate of registration.
[34] *Access to Professions and Trades in Ontario: An Analysis by the Association of Professional Engineers of Ontario*, p. 1.
[35] Ibid., p. 3.
[36] Professional Engineers of Ontario, "Education Standards." Internet site at http://www.peo.on.ca/Registration/education.html accessed on 24 November 1999.
[37] *Access to Professions and Trades in Ontario: An Analysis by the Association of Professional Engineers of Ontario*, p. 9.
[38] Internet site at http://www.skillsforchange.org/cape/bestpractices/introduction_rightframe.htm.
[39] What follows is a brief summary of the main system in the EU. Given the complexity of the issue and the number of EU members, there are many variations and exceptions.
[40] *Council Directive 89/48/EEC of 21 December 1988*. Internet site at http://europa.eu.int/eur-lex/en/lif/dat/1989/en_389L0048.html accessed on 23 December 1999. For further details, see *Council Directive 92/51/EEC of 18 June 1999*. Internet site at http://europa.eu.int/eur-lex/en/lif/dat/1992/en_392L0051.html accessed on 23 December 1999); *Directive 1999/42/EC of the European Parliament and of the Council of 7 June 1999*. Internet site at http://europa.eu.int/eur-lex/en/lif/dat/1999/en_399L0042.html accessed on 23 December 1999.
[41] Regulated professions are professions, the practice of which is regulated by law, administrative regulations and provisions by a government department, a local authority or by private chartered bodies or professional associations. These include, for instance, Law and Accountancy.
[42] *Council Directive 92/51/EEC of 18 June 1992*.
[43] Jean-Eric de Cockborne, "Professional Services in the European Union," in OECD Documents, *Liberalisation of Trade in Professional Services*, Paris: OECD, 1995, p. 57.
[44] Kalypso Nicolaidis, *Managed Mutual Recognition: the New Approach to the Liberalization of Professional Services*. Internet site at http://ksgwww.harvard.edu/prg/nicolaidis/managemr.htm accessed on 23 December 1999.